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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 LARRY BAVUSO,

9 Plaintiff,

10 v.

11 THURSTON COUNTY CORRECTION
CENTER and SGT. LINDA BELCHER,

12 Defendants.

No. C10-5662 BHS/KLS

ORDER TO SHOW CAUSE

13 This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28
14 U.S.C. § 636(b)(1), Local Rules MJR 3 and 4. On October 5, 2010, the court granted Plaintiff's
15 application for leave to proceed *in forma pauperis* and directed service of his complaint. ECF
16 Nos. 4, 5, and 6. On November 15, 2010, Plaintiff filed two "motions to amend," which consist
17 of two versions of an amended complaint. ECF Nos. 12, and 13. In the first, he included claims
18 against Defendant Linda Belcher. ECF No. 12. In the second, he included claims against
19 Thurston County Corrections. ECF No. 13.
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21 **DISCUSSION**

22 Pursuant to Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 15(a), "[a] party may
23 amend the party's pleading once as a matter of course at any time before a responsive pleading is
24 served." Otherwise, the party "may amend the party's pleading only by leave of court or by
25 written consent of the adverse party." *Id.* Leave to amend "shall be freely given when justice so
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ORDER TO AMEND OR SHOW CAUSE- 1

requires," and "this policy is to be applied with extreme liberality." *Id.*; *Morongo Band of Mission Indians v. Rose*, 893 F.2d 1074, 1079 (9th Cir. 1990). After a responsive pleading has been filed, "leave to amend should be granted unless amendment would cause prejudice to the opposing party, is sought in bad faith, is futile, or creates undue delay." *Martinez v. Newport Beach City*, 125 F.3d 777, 786 (9th Cir. 1997).

Plaintiff must advise the court as to which complaint he wishes to pursue in this action. Plaintiff may proceed with only *one* complaint under this cause number. In addition, Plaintiff is advised that his amended complaint operates as a complete substitute for (rather than a mere supplement to) the present complaint. In other words, an amended complaint supersedes the original in its entirety, making the original as if it never existed. Therefore, reference to another document is not an acceptable amendment. Plaintiff must include all parties, factual allegations, legal claims, and requests for relief in his amended complaint before the court will order service.

Accordingly, it is **ORDERED**:

(1) Plaintiff shall file a response with the court on or before **December 17, 2010**. Plaintiff shall indicate which version of his complaint the court should review. If Plaintiff fails to file a response or the response shows the Plaintiff cannot go forward, the Court will enter a report and recommendation that the Amended Complaint be dismissed as frivolous.

(2) Plaintiff's Motions to Amend (ECF Nos. 12 and 13) are **DENIED**.

(2) The Clerk shall send a copy of this Order to Plaintiff.

DATED this 29th day of November, 2010.


Karen L. Strombom
United States Magistrate Judge